

§ 1620.83

during this 60-day period will be effective no later than the next pay period beginning after the date of acceptance.

(b) *Subsequent Election Periods.* For every election period that begins after the beginning date of the initial election period described in paragraph (a) of this action, including the election period from January 1, 1989 through January 31, 1989, justices and judges are subject to the provisions of 5 U.S.C. 8432(b) and part 1600 of 5 CFR, and may choose to stop, start, or change their rate of contribution to the Plan in accordance with those provisions and applicable regulations. Accordingly, justices and judges who are appointed after January 13, 1989, and who were not previously eligible to make contributions to the Plan, must wait until the second election period after they are appointed to make contributions to the Plan.

§ 1620.83 Contributions to the Plan.

(a) Pursuant to section 401 of the Act, justices and judges may contribute an amount up to 5 percent of basic pay per pay period to the Plan. For purposes of these contributions, “basic pay” has the same meaning as that contained in 5 U.S.C. 8331(3). Salary or annuity payments received under 28 U.S.C. 371 (a), (b), and 372(a), are not “basic pay.”

(b) A justice or judge contributing to the TSP is not entitled to receive employer contributions under 5 U.S.C. 8432(c). However, any employer contributions previously made on behalf of a justice or judge while he or she served as a FERS employee will remain identified as employer contributions for recordkeeping purposes.

[54 FR 23787, Aug. 10, 1989, as amended at 59 FR 1889, Jan. 13, 1994; 61 FR 58755, Nov. 18, 1996]

§ 1620.84 Election of Plan benefits.

(a) A justice or judge who retires under section 371 (a) or (b) or section 372(a) of title 28, may elect to receive his or her Plan account as provided in 5 U.S.C. 8433(b).

(b) A justice or judge who resigns or separates before having met the age and service requirements listed in section 371(c) of title 28 is required to transfer his or her Plan account bal-

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ance to an eligible retirement plan as defined in 26 U.S.C. 402(a)(5)(E)(iv).

[54 FR 23787, Aug. 10, 1989. Redesignated at 59 FR 1890, Jan. 13, 1994]

§ 1620.85 Spousal rights.

For purposes of amounts held in the Plan, a spouse or former spouse of a justice or judge who is a Plan participant is entitled to the rights provided under 5 U.S.C. 8351(b)(7).

[54 FR 23787, Aug. 10, 1989. Redesignated at 59 FR 1890, Jan. 13, 1994]

Subpart G—Nonappropriated Fund Employees

SOURCE: 61 FR 41486, Aug. 9, 1996, unless otherwise noted.

§ 1620.90 Scope.

This subpart applies to any employee of a Nonappropriated Fund (NAF) instrumentality of the Department of Defense (DOD) or the U.S. Coast Guard who elects to be covered by the Civil Service Retirement System (CSRS) or the Federal Employees’ Retirement System (FERS) and to any employee in a CSRS or FERS covered position who elects to be covered by a retirement plan established for employees of a NAF instrumentality pursuant to the Portability of Benefits for Nonappropriated Fund Employees Act of 1990, Pub. L. 101-508, 104 Stat. 1388, 1388-335 to 1388-341 (codified largely at 5 U.S.C. 8347(p)(1) and 8461(n)(1) (1994)), as amended by section 1043 of the National Defense Authorization Act for Fiscal Year 1996, Pub. L. 104-106, 110 Stat. 186, 434-439.

§ 1620.91 Definitions.

As used in this subpart, the terms—

Basic pay means the pay from the NAF instrumentality used to compute the amount the individual is required to contribute to the Civil Service Retirement and Disability Fund as a condition for participating in CSRS or FERS, as the case may be.

Covered by means paying contributions to the Civil Service Retirement and Disability Fund under either CSRS or FERS.